CRP 198/2007

BEFORE

THE HON'BLE MR JUSTICE H.N. SARMA

By filing this petition under section 115 read with Section 151 CPC and Article 227 of the Constitution of India, the petitioner has challenged the order dated 30.5.2007 passed Misc. (J) Case No. 347/2005 arising out of Title Execution Case 16/2004.

In CRP No. 7/2007 which was filed in by the present petitioners, this Court making elaborate discussions and highlighting the relevant facts, dismissed the revision petition filed by the present petitioners and directed that payment of Rs. 5,000/- was made a condition precedent for participation of the present petitioners before the learned trial court and the trial court was also directed to execute the decree within a period of 6 weeks and report the same with compliance.

Challenging the aforesaid order, the petitioners approached the Apex Court by filing SLP (Civil) No. 8028/2007. The said SLP (Civil) No. 8028/2007 was heard on 14.5.2007 and the Apex Court passed the following order.

ORDER

Heard learned counsel for the parties.

No merits.

The special leave petition is dismissed.

A copy of the said order submitted by the learned counsel for the respondents was taken to file. The petitioner thereafter made a prayer before the learned Executing Court stating that although the SLP was rejected by the Apex Court on 14.5.2007, they have filed a review petition which is pending and accordingly prayed for keeping the Execution Case suspended till the disposal of the said revision petition. The learned trial court rejected the said prayer vide order dated 30.5.2007 which is again challenged by this Court.

I have perused the impugned order and considered the submissions made by the learned counsel for the parties.

The learned Executing Court infact has passed the order in consonance with the earlier orders passed by this Court and no jurisdictional error has been committed in passing the same.

At this stage, it is pointed out by the learned for the respondent/decree holder that although the cost of Rs. 5,000/- was made a condition precedent for participation of the present petitioners before the learned trial court, the petitioners have not deposited the same and is continuing to participate in the proceeding. The learned trial court is directed to take note of the objection raised by the respondents/decree holder and do the needful.

I do not find any merit in this revision petition nor this court is competent to pass any other order after dismissal of the SLP by the Apex Court.

In that view of the matter, this revision petition stands dismissed.